

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. CR 18-3495 JCH

DOUGLAS D. SMITH,

Defendant.

**ORDER GRANTING CONTINUANCE OF TRIAL  
AND PRETRIAL DEADLINES**

**THIS MATTER** is before the Court on Defendant's Unopposed Motion to Continue [76]. The Court having considered the motion, being fully advised in the premises and in light of *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the Defendant has by his motion, created a sufficient record to justify granting the motion to continue. See *id.* at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the parties as necessitating the continuance results in the need for additional time).

**IT IS THEREFORE ORDERED** that Defendant's Unopposed Motion to Continue [76] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Call of Calendar hearing of June 4, 2020 and the Jury Selection/Trial of June 15, 2020 are VACATED. Call of Calendar, Jury Selection/Trial and corresponding deadlines are reset as follows:

Event	Date/Deadline
Jury Selection/Jury Trial (trailing docket)	September 21, 2020
Calendar Call	Thursday, September 10, 2020 @ 1:30 p.m.
Motions in Limine	Monday, August 31, 2020
Response to Motions in Limine	Wednesday, September 09, 2020
Motions to Continue	Thursday, August 27, 2020

Before Judge Judith C. Herrera at the United States Courthouse, 333 Lomas Blvd., N.W., Mimbres Courtroom, 4<sup>th</sup> Floor in Albuquerque, New Mexico.

**IT IS FURTHER ORDERED** that the pretrial motion deadline is hereby extended until **Thursday, August 20, 2020**. The pretrial motion deadline applies to all motions, including Daubert Motions. Motions in Limine have a separate deadline.

**IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

**IT IS FINALLY ORDERED** that counsel shall adhere to the Court's instructions and case management deadlines as set forth in the following attachment, "Pretrial Deadlines before The Honorable Judith C. Herrera."

  
UNITED STATES DISTRICT JUDGE